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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,367	08/27/2003	Takayuki Iida	Q77076	3701

23373 7590 04/23/2007

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EXAMINER	
NGUYEN, KHAI MINH	
ART UNIT	**PAPER NUMBER**
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/648,367	IIDA, TAKAYUKI	
	Examiner	Art Unit	
	Khai M. Nguyen	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 February 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 11-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 11-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. Claims 1-9 and 11-29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10-23 of copending Application No. 10/391,597. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both teach an imaging device that sends image data wirelessly, an image server for storing the image data received wirelessly and a mini-laboratory for generating printed matter based on the image data received.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

2. Applicant's arguments with respect to claims 1-9 and 11-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-2, 6-7, 12-16, 20-21, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,943,909 to Goldstein et al. in view of U.S. Patent No. 5722076 to Sakabe.

Regarding claim 1, Goldstein teaches a wireless communication apparatus (image pump 120) comprising:

wireless communication means (Figure 2,210) for carrying out data communication via a wireless communication network (Id.) with an imaging apparatus (digital camera 110) having communication means (the antenna of element 110) for sending image data (column 3, lines 50 to 57) obtained by capturing means (Id.) to the wireless communication network (210 and element 120) ;and

storage means (image pump 120) for storing said image data sent from the imaging apparatus (camera 110) and

wherein said wireless communication means (image pump 120) are connected via a wired communication line (Figure 3, 320 or 330) to a printing system (Photography Service Provider 130) for carrying out printing processing on said image data.

Goldstein fails to specifically temporary storage for temporarily storing said data and for coordinating the difference in communication speed between wired and wireless communications. However, Sakabe teaches temporary storage for temporarily storing said data (fig.2, col.4, line 41 to col.21) and for coordinating the difference in communication speed between wired and wireless communications (fig.2, col.4, line 41 to col.21). Therefore, it would have been obvious to one having ordinary skill in art at the time the invention was made to apply the teaching of Sakabe to Goldstein to provide a method for controlling the data load condition and monitoring the data load.

Regarding claim 15, Goldstein teaches a wireless communication apparatus (image pump 120) comprising:

wireless communication equipment (Figure 2, 210) which carries out data communication via a wireless communication network (Id.) with an imaging apparatus (digital camera 110) having a communication unit (the antenna of element 110) which sends image data (column 3, lines 50 to 57) obtained by an image capturing unit (Id.) to the wireless communication network (210 and element 120); and

a memory (image pump 120) which stores said image data sent from the imaging apparatus (camera 110),

wherein the wireless communication equipment (image pump 120) is connected via a wired communication line (Figure 3, 320 or 330) to a printing system (Photograph Service Provider 130) for carrying out printing processing on said image data.

Goldstein fails to specifically temporary memory which stores said data. However, Sakabe teaches temporary memory which stores said data (fig.2, col.4, line 41 to col.21). Therefore, it would have been obvious to one having ordinary skill in art at the time the invention was made to apply the teaching of Sakabe to Goldstein to provide a method for controlling the data load condition and monitoring the data load.

Regarding claim 7, Goldstein and Sakabe further teach a printing system comprising:

an image server (see Goldstein, inherent in view of column 7, lines 45 to 53) connected to at least one wireless communication means of claim 1 via the wired communication line (see Goldstein, the Photography Service Provider would have to include an image server), for storing said image data sent from the wireless communication means; and

a mini-laboratory for generating printed matter based on said image data stored in the image server (see Goldstein, column 7, lines 45 to 53).

Regarding claim 21, Goldstein and Sakabe further teach a printing system comprising:

an image server (see Goldstein, inherent in view of column 7, lines 45 to 53) connected to a least one wireless communication equipment of claim 15 via the wired communication line (see Goldstein, the Photography Service Provider would have to include an image server), for storing said image data sent from the wireless communication equipment; and

a mini-laboratory for generating printed matter based on said image data stored in the image server (see Goldstein, column 7, lines 45 to 53).

Regarding claim 28, Goldstein and Sakabe further teach a printing system, comprising:

an image server means (see Goldstein, inherent in view of column 7, lines 45 to 53) connected to at least one wireless communication means of claim 1 via the wired communication line (see Goldstein, the Photography Service Provider would have to include an image server), for storing said image data sent from the wireless communication means; and

a means for generating printed matter based on said image data stored in the image server means (see Goldstein, column 7, lines 45 to 53).

Regarding claims 2 and 16, Goldstein and Sakabe further teach wherein the printing system comprises:

an image server (see Goldstein, inherent in view of column 7, lines 45 to 53) connected to the wireless communication apparatus via the wired communication line (see Goldstein, the Photography Service Provider would have to include an image server), for storing said image data sent from the wireless communication apparatus; and

a mini-laboratory (see Goldstein, column 7, lines 45 to 53) element for generating printed matter based on said image data stored in the image server.

Regarding claims 6 and 20, Goldstein and Sakabe further teach wherein the imaging apparatus sends order information representing the content of a printing order regarding said image data, together with said image data (see Goldstein, column 5, lines 28 to 35).

Regarding claims 12, 25, and 29, Goldstein and Sakabe further teach said imaging apparatus including a device for selecting a printing format for said image data prior to output to the wireless communication network (see Goldstein, column 5, lines 28 to 35).

Regarding claims 13 and 26, Goldstein and Sakabe further teach wherein the wireless communication means connects to the temporary storage means (see Goldstein, Figure 2).

Regarding claims 14 and 27, Goldstein and Sakabe further teach wherein the temporary storage means are upstream from the wired communication line (see Goldstein, Figure 3).

Regarding claim 30, Goldstein and Sakabe further teach the wireless communication apparatus according to claim 1, wherein the temporary: storage means automatically coordinates the difference in communication speed between wired and wireless communications (see Sakabe, fig.2, col.4, line 41 to col.21).

Regarding claim 31, Goldstein and Sakabe further teach the wireless communication apparatus according to claim 1, wherein .the temporary storage means sends the image data to the printing system and deletes the image data after sending the image data to the printing system (see Sakabe, fig.2, col.4, line 41 to col.21).

5. Claims 3, 5, 8, 11,171 19, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,943,909 to Goldstein et al. in view of U.S. Patent No. 5722076. to Sakabe further in view of Official Notice.

Goldstein and Sakabe further disclose all the elements of dependent claims 3, 8, 17, and 22 except wherein the printing system is installed in a DPE store. However, the Examiner takes Official Notice that printing stores are well known in the art, for example Kinkos or Staples. Therefore, one of ordinary skill in the art would have known and understood that the printing system could be installed in a store.

Goldstein and Sakabe further disclose all the elements of dependent claims 5 and 19, except wherein the communication means/equipment of the imaging apparatus is installed in a communication chip. However, the Examiner takes Official Notice that it is well known in the art to use microchips of various forms to control communication functions, one example is the proliferation of SIMs. Therefore, it would have been obvious to one of ordinary skill in the art to have known and understood that the imaging

apparatus of Goldstein would use a communication chip to control its wireless communication with a wireless network.

Goldstein and Sakabe further disclose all the elements of dependent claims 11 and 24, except wherein the communication network enables communication with the imaging apparatus using a roaming function. However, the Examiner takes Official Notice that roaming in wireless networks and between wireless devices is well known in the art and therefore it would have been obvious to one of ordinary skill in the art to have known and understood that roaming would be enabled.

6. Claims 4, 9, 18, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,943,909 to Goldstein et al. in view of U.S. Patent No. 5722076. to Sakabe further in view of Admitted Prior Art.

Goldstein and Sakabe further teach all the elements of dependent claims 4, 9, 18, and 23, except wherein the wired communication line is an ADSL. However, Applicant admits that ADSL wired communication lines are well known. See, page 3, line 4 of the originally filed application. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an ADSL wired communication line as the wired line in Goldstein because they have high speed.

Conclusion

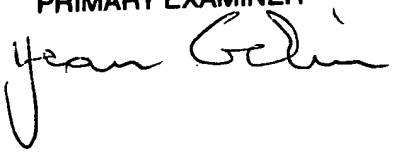
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph feild can be reached on 571.272.4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khai Nguyen
Au: 2617

JEAN GELIN
PRIMARY EXAMINER



4/12/2007